

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

DESMOND ELLIS,

Case No. 19-12964 (MKV)

Debtor.

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ORDER PURSUANT TO 11 U.S.C. § 362(d)
MODIFYING THE AUTOMATIC STAY IMPOSED BY 11 U.S.C. § 362(a)

Upon the motion (the “Motion”) by U.S. Bank Trust, N.A., as Trustee for LSF8 Master Participation Trust, by Caliber Home Loans, Inc., servicing agent/attorney in fact (“Movant”) for an Order: (i) modifying and terminating the automatic stay in place pursuant to section 362(a) of title 11 of the United States Code (the “Bankruptcy Code”), to permit Movant to exercise all of its rights and remedies with respect to certain collateral known as 731 North Oak Drive, Bronx, NY 10467 (the “Property”) by virtue of section 362(d)(2) of the Bankruptcy Code; (ii) granting Movant the attorney fees and costs associated with the Motion; and (iii) granting Movant such other further and different relief as may seem just, proper and equitable [Docket No. 11]; and upon due and proper notice of the Motion [Docket No. 11]; and upon no objection the Motion having been filed on the Court’s ECF system; and upon a hearing on the Motion having been held on October 29, 2019 (the “October Hearing”), the record of which is incorporated herein; and after due deliberation having been had; it is hereby

ORDERED, that the Motion is granted for the reasons stated on the record at the October Hearing to allow the Movant to proceed under applicable non-bankruptcy law to enforce its rights and remedies in and to the Property; and it is further

ORDERED, that the Movant’s request to waive the stay of this Order pursuant to Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is denied; and it is further

ORDERED, that this Order shall be binding and effective if the Debtor converts this case to another chapter under the Bankruptcy Code; and it is further

ORDERED, that the Movant's request for fees and costs associated with the Motion is denied; and it is further

ORDERED, that Movant shall promptly report to the trustee any surplus monies realized by any sale of the Property.

Dated: New York, New York
December 5, 2019

s/ Mary Kay Vyskocil
HONORABLE MARY KAY VYSKOCIL
UNITED STATES BANKRUPTCY JUDGE